

REMARKS

Claims 35, 37-40, 42-45, 47-50 and 52-63 are pending in the application.

Claims 35, 37-40, 42-45, 47-50 and 52-63 have been rejected.

New Claim 64 has been added.

I. DOUBLE PATENTING REJECTION

Claims 35-63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 64, 74 and 84 of Ramey '8003, copending US Application Serial No. 10/808,092 (as set forth in US Patent Publication No. 2005/0008003) in view of Freishtat (US Patent No. 5,945,989). This provisional rejection, and the statements/interpretation of the subject matter of Ramey '8003 and Freishtat, are respectfully traversed. Since this is only a provisional rejection, Applicant will address or otherwise respond to this rejection in the event the claims of Ramey '8003 mature into an issued US patent.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 35, 40, 45, 50, and 55-63 were rejected under 35 U.S.C. § 102(e) as being anticipated by Freishtat (US Patent No. 5,945,989).¹ Claims 35, 40, 45 and 50 were rejected under 35 U.S.C. § 102(e) as being anticipated by Erb (US Patent No. 6,246,678). Claims 35, 37-40, 42-45, 47-50 and 52-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stanford (US Patent No. 6,980,641). The rejections are respectfully traversed.²

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they

¹ The rejection heading identifies Claims 35, 40, 45, 50 and 53-63, however, paragraph 7 of the Office Action identifies Claims "55-63" as being rejected, not claims "53-63". Thus, Applicant assumes Claims 53 and 54 are not rejected.

² The 102 rejection based on Freishtat fails to address the recited claim language "wherein the translating web application commands further comprises translating a call control command (see, Claim 35) or similar claim language in Claims 40, 45, 50 and 55. Therefore, it does not appear that the Office Action has established a prima facie case of anticipation.

are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed.Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Conventional PBX systems, which include a caller server therein, typically have four distinct interfaces for providing communication paths to other devices or components in the communications network. These interfaces are commonly identified as the (1) line side interface, (2) trunk side interface, (3) computer telephony interface (CTI), and (4) management interface.

The line side interface couples the PBX system to various line side devices, such as analog, touch tone, and SIP-based telephones, or some other device emulating a telephone. The line side interface facilitates the initiation of phone calls (including conferencing) and other line side telephony features allowing first party call control functions in the PBX.

The trunk side interface generally provides a communication path between the PBX system and other external devices, such as other switches (or PBX systems), the public switched telephone network (PSTN) and modems (e.g., to communicate with the internet).

The CTI provides a communication path to computers, external applications, and may also provide a path to the internet.

The management interface provides a means for administrative control and configuration of the PBX system. This may include configuring identifying users, phone numbers, telephony features programmed for each user/telephone, etc.

The Erb Reference

Erb is directed to an architecture to manage and control a telephony switch and enable and support moves and changes of information stored in telephony switches. Erb, Col. 3, lines 7-10. The Office Action argues that Erb discloses each and every element within Col. 16 and 17, and that Erb is also “replete” with disclosure of translating call commands from a web application format to a call server system format (citing Col. 3, line 30 through Col. 4, line 40). To the contrary, Erb is directed to a device for managing/controlling the configuration of the telephony switch (such as in a PBX system). Erb recognizes that management/maintenance of features in the PBX switch occurs

through a specific management interface by an administrator. Erb, Col. 2, lines 54-67. To solve this problem, Erb proposes a custom switch database (for storing configuration information) accessible by a network device for configuring the PBX switch. Erb, Col. 3, lines 40- 49. While Erb discusses APIs, none of the “commands” disclosed in Erb are call control commands for controlling a specific call or telephony device. Instead, these “commands” are commands that change the configuration parameters of the telephony switch itself. See, Erb, Col. 4, lines 20-40. Thus, Erb is directed to commands for configuration of a telephony switch/PBX which are not equivalent to Applicant’s call control commands. For example, in one non-exclusive example, Applicant’s web application command is a call control command translated into the call server system format, such as a call control command that initiates set up of a telephone call. See, Specification, pp. 10-11, 14 (and Figures 3, 4). Therefore, Erb does not disclose the translation of “call control commands” from a web application format to a call server system format, as that term is described in Applicant’s specification.

The Freishtat Reference

Freishtat is directed to a device for enabling users to create and modify web pages through a telephone using interactive voice response technology. Freishtat, Abstract. This reference is further directed to controlling the PBX to configure a web application for manipulating speech (received via phone) into commands to compose or modify a web page. Thus, Freishtat controls a web application using the PBX functionality, while Applicant’s disclosure is directed to enabling control of calls (or connected telephony devices) in a PBX using a web application. Therefore, Freishtat simply does not disclose translating a call control command transferred from a web application to a call server system from a web application format to a call server system format.

The Stanford Reference

Stanford is directed to a computer 56 executing an application program 50 that displays a virtual telephone on its display. Stanford, Col. 3, lines 44-50. The web application 50 communicates through a TAPI interface with the Windows operating system to control the telephony functions of a connected telephony device 78. Commands are sent from the program 50 (or other program associated with it) to the TAPI driver 76 which converts the commands into a format

understandable by the associated specific telephony device 78, e.g., pick up the phone line and dial a specific number. Col. 5, lines 26-32. Thus, telephony device 78 carries out the desired telephone function. Col. 5, lines 32-36; Col. 6, lines 9-13; Figure 1. The cited portions of Stanford describe a computer 56 that sends commands through a TAPI driver/interface 76,82 to the telephone 78 coupled to the computer 56. These “commands” appear to be translated into a format recognizable to the telephone 78, and the commands are utilized to command the telephone 78 to take some action. Thus, Stanford is directed to the line side interface of a PBX/call server and is, in essence, an emulator of a phone. Stanford appears to function as a line side emulation of call party control.

In contrast, Applicant’s invention translates call commands transferred from a web application to a call server system from web application format into the call server system format. The web application commands of Applicant are (after being translated to the caller server system format) transferred to the call server system, see Specification. This is distinctly different from Applicant’s disclosure. Therefore, it does not appear that the cited portions of Stanford disclose or describe these elements or features.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 35-54.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

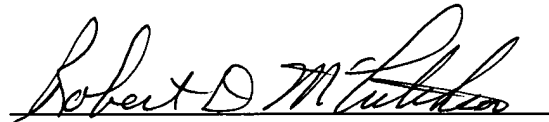
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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